

REMARKS

Claims 1-31 are pending in the present application. Claim 20 is canceled herein. Claims 1, 10, 11 and 21 are independent claims. Applicants respectfully request the Examiner to enter the above amendments and reconsider the application based on the amendments and the following comments.

35 U.S.C. 101 Rejections

Claims 20-29 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants cancel claim 20 and amend Claims 21-29 herein to require a computer readable storage medium. This element adds a structural relationship to the claim, and by requiring a “storage” medium, the objected to signal bearing media of paragraph 28 is limited to only the physical storage medium in Claim 28. Therefore Applicants submit all claims now meet the requirements of 35 U.S.C. § 101.

35 U.S.C. 112 Rejections

Claims 21-29 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants amend Claim 21 herein to require a computer-readable storage medium containing instructions..., which is logical as a storage medium can contain instructions. Therefore Applicants submit all claims now meet the requirements of 35 U.S.C. § 112.

35 U.S.C. 103(a) Rejections

Claims 1-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2003/0112952 (“Brown”) in view of U.S. Patent No. 7,003,327 issued to Payne et al. and further in view of US Publication No. 2003/0063590 to Mohan et al. The rejection asserts that Brown and Payne allegedly teaches each element of the claims except for the call

handling ability at a wireless device to perform predetermined response to the attempted incoming communication based on a classification of the attempted incoming communication, which are allegedly taught by Mohan.

As stated in the Office Action, neither Brown nor Payne has any call handling ability at the wireless device to perform predetermined response. The office action asserts this is covered by Mohan, however Applicant respectfully traverses this assertion. In Mohan, all calls are routed through the Multimedia Personal Call Management (MPCM) server, and the server then sends possible responses to the handset. Paragraphs [0047]-[0073] of Mohan describe three alternative embodiments of how the incoming calls are managed. In each of these embodiments, the calls are analyzed at the server, not the wireless device, to determine what response is to be made. Further, in each embodiment, the called party (the wireless device) is provided a menu of choices to select from, and based on that selection, the **server** (not the wireless device) takes appropriate action (see paragraphs [0055], [0065] and [0073]). Because the wireless device is presented with a menu of possible responses, it does not meet the claimed limitation of performing a predetermined response. In fact, each of the embodiments in Mohan require the end user to make a selection of a possible response, and therefore is not predetermined. Further, all the call handling is performed at the server, not at the wireless device as required by the current claims.

As such, claims 2-9, 12-19 and 22-29, dependent upon independent claims 1, 11 and 21, respectively, are likewise allowable over Brown at least for the reasons given above with respect to independent claims 1, 11 and 21.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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